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Massachusetts Medical Society.

Boston, August 1, 1874.

DEAR SIR:

The Committee appointed at the annual meeting of the Councillors "to suggest amendments to the By-Laws with a view to their revision for a new edition," ask your critical consideration of the accompanying preliminary draft. The committee present this as the result of efforts to make the By-Laws a clear, consistent and binding exposition of the laws and usages of the Society, as expressed in its votes and conformable with its charter. You are requested to suggest any alterations in the present form that may seem to you advisable in order to make the work more complete and satisfactory, to the end that, at the next meeting of the Councillors, a draft as acceptable as possible may be presented and prolonged discussion avoided.

Please reply at your earliest possible convenience; at all events, before September 1, 1874, to

F. W. DRAPER, M.D.

36 Worcester Street, Boston.

NLM

[Printers' Proof.]

BY-LAWS.

REVISED OCTOBER, 1874.

MEMBERSHIP.

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I. EVERY candidate for admission into the MASSACHUSETTS MEDICAL SOCIETY must, by proper credentials and examination, satisfy the Censors of said Society that he possesses the following qualifications for fellowship:—

That he is not less than twenty-one years of age; that he is of sound mind, and good moral character; that he has a good general English education; that he has a knowledge of the principles of experimental philosophy; that he has such an acquaintance with the Latin language as is necessary for a good medical and surgical education; that he has studied medicine and surgery three full years under the direction, and attended the practice, of some reputable, regularly educated physician or physicians; that he has attended two terms of study, or two full courses of lectures in separate years, at an authorized medical school, recognized by the Councillors of said Society; that he does not profess to cure diseases by, nor intend to practise, spiritualism, homeopathy, allopathy, Thompsonianism, eclecticism, or any other irregular or exclusive system, generally recognized as such by the profession or declared so by the Councillors of said Society; and, by a further examina tion a part of which shall be in writing, that he has an adequate knowledge of anatomy, pathological anatomy, physiology, general and medical chemistry, materia medica, therapeutics, midwifery, gynæcology, the theory and practice of medicine, clinical medicine, surgery, clinical surgery, hygiene, and public hygiene.

If successful in such an examination as to his credentials, character, personal and professional qualifications, to the satisfaction

of at least three of the Censors present, the candidate, after pay-1

ing the District Treasurer the assessment for the current year and 2

signing the By-Laws, shall receive a certificate of membership 3 (Digest, §XXVI.-VII.), and be enrolled a Fellow of the Society. 4

II. A candidate may be examined at any stated meeting of 5 Censors; but, if the examination be unsatisfactory, he shall not be 6 reëxamined by any Board of Censors in less than six months after-7

wards. (Arts. XX., XXI.) 8

9 Application for examination or reëxamination must be made to the Secretary of the District in which the candidate resides. 10

III. Every Fellow shall be entitled to a Diploma on the pay-11 ment of such sum as the Councillors shall from time to time 12 13 determine.

HONORARY MEMBERSHIP.

14 IV. A candidate for election to Honorary Membership in

the Society shall be nominated to the Councillors at a Stated 15

Meeting, by two or more Fellows, and said nomination shall be 16 referred to the Committee on Membership and Resignations, who 17

18 shall report at the next Stated Meeting.

The affirmative vote of two-thirds of the Councillors present 19

shall be necessary to elect to Honorary Membership. 20

FELLOWSHIP.

- 21 Any Fellow who has arrived at the age of sixty years, has paid all his assessments, or been excused from them, and 22
- has notified the Treasurer of the Society of the same in writing, 23
- may, on recommendation of a Committee and by a vote of the 24
- Councillors, become a Retired member. He shall be entitled to 25
- 26 all the privileges of a Fellow, and shall conform to all the re-
- quirements of the Society, and be subject to all its penalties, except 27 28
- that he shall not be liable to assessments, and shall not be entitled 29 to vote or be bound to accept any office in the Society.
- VI. Any Fellow, whose dues have been paid or remitted, 30 may, on written application and for satisfactory reasons, first ex-31

amined and reported upon by a Committee, be allowed to resign 32

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Fellowship and to withdraw from the Society by a vote of the Councillors.

Any one who has resigned or retired, may, on application in writing, be restored to full Fellowship by the vote of the Councillors at any Stated Meeting.

Any Fellow removing out of the State may have liberty to retain his Fellowship so long as he punctually pays the annual assessment.

VII. Any Fellow who has not paid an assessment to the Society for five consecutive years, and who, after due notification of his delinquency, neglects, or declines, without sufficient excuse, to settle his dues, may, on report of the Committee of Membership and Resignations, be dropped from the Roll of Fellows by a vote of the Councillors.

Any Fellow may be punished by censure, disfranchisement, or expulsion (Digest, §XXIII.), or be deprived of his privileges, on conviction by a Board of Trial (in the manner specified in By-Law XXXI.) upon charges of the following description, made to the President of the Society in writing, and signed by three or more Fellows, viz.:—

- 1. For any gross or notorious immorality, and for any crime of which he may have been convicted.
 - 2. For any attempt to disorganize or to destroy the Society.
- 3. For the breach of any By-Law of the Society, for which censure, disfranchisement, expulsion, or deprivation of privileges is made the penalty.
- 4. For furnishing to any person, or presenting in his own behalf, a false certificate or statement of character or studies as a student, or principles as a practitioner of medicine, tending to deceive the public or the Censors of the Society.
- 5. For any conduct unbecoming and unworthy an honorable 31 physician and Fellow of this Society. 32

There shall be annually appointed by the Councillors a Committee of five (three of whom shall be its quorum), to be called the Committee on Ethics and Discipline, whose duty it shall be to listen to complaints or charges which any individual or Society may wish to bring against a Fellow, and to cause such charges to be carried before a Board of Trial, if the Committee think it

1 expedient; whose further duty it shall be to consider, and report

2 upon if desired, any personal matters or questions of privilege, so

3 called, when the hearing thereof in general meeting is objected to 4 by any Fellow; and to report upon any question of Ethics or

5 Discipline which may be referred to it for such purpose by the

Discipline which may be referred to it for such purpose by the

6 Councillors or by the Society.

VIII. Any person engaged in the practice of medicine or surgery in this Commonwealth, who has not received such a medical
education as is required by By-Law I., and any one guilty of practices forbidden to Fellows, shall be deemed an irregular practitioner; and it shall be disreputable for any Fellow to advise or
consult with any such irregular practitioner, or in any way to abet
or assist him as a practitioner of medicine or surgery.

or assist him as a practitioner of medicine or surgery.
IX. Any person who publicly advertises for sale, or otherwise

15 offers to the public, any medicine the composition of which he 16 keeps secret, or offers to cure any disease by any such secret

17 medicine, or by any secret treatment, shall be considered an

18 irregular practitioner; and, if a Fellow of this Society, shall be

19 liable to expulsion, or to such other penalty as a Board of

20 Trial may think proper to inflict. (XXXI.)

21 X. Every Fellow of the Society, unless Retired or Honorary, 22 shall be annually assessed such sum as the Councillors shall from

23 time to time determine.

ANNUAL MEETING.

24 XI. A meeting of the Fellows of this Society shall be held on 25 the last Wednesday in May annually, at 10 o'clock, A.M., in such

26 one of the principal towns or cities of the Commonwealth as the

27 Councillors shall, from year to year, determine. But the Coun-

28 cillors shall have power to fix some other Wednesday, in the month

29 of May or June, for this meeting, in case the place assigned shall 30 render such a change desirable. Ten members shall constitute a

31 quorum, but a less number may adjourn from time to time.

DISTRICT SOCIETIES.

32 XII. The Commonwealth shall be divided by the Councillors 33 into Medical Districts, which may, from time to time, be subdivided

or altered as circumstances may require. A District Medical Society, for the purposes set forth in Digest, \$XII., shall be formed in each Medical District,—to consist of the Fellows of the State Society residing within the District, and none other.

XIII. Every District Society shall hold its Annual Meeting for elections between the fifteenth of April and the fifteenth of May, and at least ten days before the Annual Meeting of the State Society.

At the Annual Meeting of each District Society shall be elected for said Society a President, who shall be, ex officio, a Vice-President of the State Society (XXIII.); a Secretary; a Treasurer; a Librarian; a Commissioner of Trials (XXXI. §8); and such other officers as may be designated in said Society's By-Laws; also by ballot (Digest, §XV.) the number of Councillors to which said Society may be entitled by By-Law XVII.; and, at the same time, five Censors for the examination of candidates and the admission of Fellows in that District. (XX., XXI.)

If a District Society fail or omit, from any cause, to make the aforesaid elections, or any of them, the officers previously chosen shall hold their respective offices for the year next ensuing, and until others shall have been elected in their places. (Digest, §XV.)

XIV. District Societies may in other respects make their own regulations, provided they are not incompatible with the By-Laws of the State Society. (Digest, §XIII.)

XV. The Secretary of each District Society shall, at least ten days before the Annual Meeting of the Councillors, furnish the Recording Secretary of the State Society with the names and residences of the officers of his District Society, and of its Councillors and Censors for the year ensuing, together with the full names and the residences of all those, not already reported, who have become Fellows in the District during the year—designating whether by original admission, after examination by the Censors of the District, or otherwise; and shall also report to him any changes in the By-Laws of said District Society that may have been made during the year previous.

XVI. The Treasurer of each District Society shall collect the assessments within his District as soon as may be. He shall, on or before the annual meeting of the Councillors, make a full return

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to the Treasurer of the Society of all the assessments charged on

his list, with the condition of each, whether paid or unpaid; and 2 transmit the amount collected, after deducting such reasonable 3 expenses as he may have incurred, and five per cent. for services; 4 and such return and remittance shall be a full release from the de-5 mand created by the charge required in By-Law XXVIII. He 6 shall also report the deaths and removals which have occurred in 7 the District, and any circumstances respecting the pecuniary abili-8 ties of the members which it may be important for the Treasur-9 er to know. In case any District Treasurer shall neglect to make 10 his return as herein provided, he shall be liable to be proceeded 11 against according to law, for the whole amount of assessments 12 charged to him on his list, provided the same do not exceed the 13 sum which this Society is authorized by the charter to impose 14 as a penalty for a breach of its By-Laws; but, should it exceed 15

COUNCILLORS.

to the amount actually received by him.

that sum, he may be proceeded against for that sum, in addition

XVII. Councillors shall be chosen by the District Societies, as directed in section XIII.; each Society choosing, from among the Fellows residing within its District, in the proportion of one Councillor to every eight Fellows, as nearly as may be. XVIII. There shall be three stated meetings of the Councillors annually;—the first, which shall be the annual meeting,

23 cillors annually;—the first, which shall be the annual meeting, 24 on the day preceding the annual meeting of the Society, and in 25 the same city or town where the meeting of the Society is to be 26 held;—the second, on the first Wednesday in October;—and the 27 third, on the first Wednesday of February, at such hour and 28 place, in the city of Boston, as the President shall direct.

The President shall call a special meeting of the Councillors whenever he may deem it expedient, or whenever five Councillors may request it in writing.

Nine Councillors shall be requisite to form a quorum for the transaction of business; but a smaller number may adjourn the meeting from time to time.

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XIX. At their Annual Meeting, the Councillors shall choose, by ballot, the following officers of the Society; viz.: a President, Vice-President, Corresponding Secretary, Recording Secretary, Treasurer, and Librarian;—the officers so chosen, as also the Councillors, Censors and Commissioners of Trials, chosen by the District Societies, to hold their respective offices until others are chosen in their stead. (XXX.) They shall also designate, by vote, in what city or town within the Commonwealth, and on which Wednesday in the month of May or June, the Anniversary of the Society, for the next calendar year, shall be held; and shall choose, from among the Fellows of the Society, an Anniversary Chairman, whose duty it shall be to act as Chairman of the Committee of Arrangements for the Anniversary, and to preside at the annual dinner for said year. (Rules 13, 14.) In case of the non-acceptance, death, or absence of the Anniversary Chairman, it shall be the duty of the President of the Society, with the Committee of Arrangements for the anniversary, to appoint a substitute.

They shall also appoint a Fellow to deliver a Discourse on some subject connected with medical science, at the Anniversary meeting of the Society on the next year; but, in case the Fellow thus appointed shall decline the service, the President, with five Councillors, may appoint another. A copy of every such Discourse shall be deposited with the Recording Secretary within ten days after it has been delivered. (Rules, 12.)

CENSORS.

XX. The Censors shall examine, according to the Rules and By-Laws, such candidates as have received the education required, and are otherwise duly qualified for examination, and none other. (Digest, XX.) Blanks, approved by the Councillors, shall be furnished the Censors by the Recording Secretary of the State Society for the purpose of facilitating these examinations.

The Censors shall meet as hereinafter designated, or at such times as the Councillors may direct.

The Censors for the Suffolk District Society shall officiate for 34 that District and for the Society at large; and shall meet for the 35 examination of candidates, in Boston, on the Thursday next pre-

ceding the annual meeting of the Society (Digest, §XIX.), and 1 on the Thursday before the last Saturday of September, and of 2 February. They may advertise these meetings in such manner as 3 the Board may determine; but they shall not examine any can-4 didate who is already a resident, or in practice, in any District 5 6 except their own.

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The Censors of other medical Districts shall hold their meetings for the examination of candidates residing in their respective Districts, and none other, at the same place and on the same day as the stated meetings of the District Societies themselves: but shall not advertise unless the District Societies direct it to be done at their own expense. (Arts. II., XIII.)

Any meeting of Censors, whether a quorum be present or not. may be continued by adjournment to such time, and place within the District, as may be determined upon by the Censors present.

The Board of Censors for each District, including the Recording Secretary of the District, shall receive from the treasury of the State Society the sum of three dollars for each and every candidate examined by them-provided, however, that the whole amount paid to any one District shall not exceed the sum of sixty dollars for any single year; and each Censor who shall neglect or refuse to attend a meeting of the Board, for which he has been duly notified, without offering an excuse which shall be satisfactory to those who do attend the same, shall pay a fine of five dollars to the Treasurer of the State Society. (Digest, §III.)

26 XXI. Three Censors shall constitute a quorum, and the senior 27 Censor shall preside.

Unless a quorum be present, no vote shall be taken except on

28 the question of adjournment. (See Art. II.) 29 30 XXII. The Secretary of each District Society shall be Secretary of the Board of Censors for his District; and shall call and 31 attend all the meetings of the Board. He shall report all unex-32 33 cused absences to the Treasurer of the State Society. He shall 34 keep a faithful record of the meetings and transactions of the Board in the Record Book of the District Society. He shall ob-35 tain, for successful candidates, from the Recording Secretary of 36 37 the State Society, properly prepared certificates of Fellowship (Digest, §XXVI.), for which he shall be responsible; and shall 38

personally see that all the requisitions of the By-Laws have been complied with by each candidate before giving the latter such certificate.

DUTIES OF OFFICERS.

XXIII. The President shall call all meetings of the Society and of the Councillors, and shall preside at the same. He shall perform such other duties as may be assigned to him.

In case of the disability of the President, his duties shall devolve on the Vice-President; who also, in the absence of the former, or at his request, shall officiate in his place. If both President and Vice-President are absent from any meeting, the senior President of a District Society present, or such Chairman as the Society or Councillors may appoint, shall preside pro tempore. (See Arts. VII., XVIII., XXVIII., XXXII. Rules 12, 14, 6-8.)

XXIV. The Corresponding Secretary shall have the charge and custody of all letters and communications transmitted to the Society or to the Councillors; and to him they should be addressed. He shall prepare and transmit whatever communications the Society or the Councillors may direct. He may cause letters or communications, written in any foreign language, to be translated into English. He shall perform such other duties as may be assigned to him.

XXV. The RECORDING SECRETARY shall keep the seal of the Society; and he shall have charge and custody of the Records of the Society and of the Councillors, and of all papers directed by them to be kept on his files. He shall give notice of, and attend, the meetings of the Society and of the Councillors; keep a fair record of their proceedings respectively, and of the Commissioners of Trials; and read, at the meetings of the Society, all such communications as the Councillors may direct. He shall receive and record the nominations of candidates for Honorary Membership, and lay them before the Councillors at each stated meeting (IV.). He shall furnish examination blanks for the Censors, and shall attend to the preparation of Diplomas and other certificates of Fellowship. One week at least before the annual

meeting, he shall transmit to the Treasurer of the Society a cor-1 rect list of all who have become Fellows during the year, and shall 2 read the same at the annual meeting of the Councillors and of the 3 Society. He shall notify the Chairman of every committee ap-4 pointed by the Society or Councillors, in each case stating the 5 6 commission and the names of the Committee; and he shall perform 7 such other duties as may be assigned to him. (See Arts. XV., XIX., XX., XXII., XXVI., XXVII., XXXI. Rules 1, 15, 8 9 1, 5.)

XXVI. If, at any meeting of the Society or of the Council-10 lors, or of a Board of Trial, or at any other meeting where such 11 services are required, one of the Secretaries be absent, and the 12 13 other present, the latter shall perform the services of both, so far 14 as may be; but, as soon as possible, he shall arrange, and deliver over to the absent Secretary, the papers belonging to his depart-15 ment, with a copy of records or orders, as the case may be. 16 neither be present, a Secretary pro tempore may be appointed by 17 18 the meeting. An assistant Secretary may be appointed by any meeting whenever the occasion may seem to require one. 19

20 XXVII. The records of the Society and of the Councillors shall be produced at every anniversary meeting of the Society, and placed by the Secretary in some convenient place for the inspection of such of the Fellows as are desirous of consulting them; 24 and, at all other times, it shall be the duty of the Secretaries to grant every reasonable indulgence to any Fellow of the Society who may wish to examine the records.

27 XXVIII. The TREASURER shall give security for the trust reposed in him, whenever the Councillors shall judge it to be re-28 quisite, and the funds of the Society will admit of a compensation 29 30 for his services. He shall demand and receive all money due to the Society, together with all bequests and donations. He shall, 31 if necessary, sue for all fines and assessments due to the Society. 32 33 He shall, under the direction of the Councillors, sell or lease any 34 estate belonging to the Society, and execute the necessary papers. 35 He shall, in general, have the care and management of the fiscal concerns of the Society, and keep an accurate statement of all receipts and expenditures. He shall not pay any money out of the 37

treasury without a written order from the President. He shall subject his accounts to such examination as the Councillors may order. He shall annually render to the Society an account of his doings, and of the state of the funds in his hands. He shall, on or before the first of January, annually, pay over to the several District Treasurers such portion of the assessments received from the members of their respective Districts, as the Councillors shall from time to time determine; and shall furnish a list of all assessments remaining due from the members of the Societies respectively, with authority to collect the same, and shall charge the same to them. And he shall perform such other duties as may be assigned to him. (See Arts. V., XVI., XXV. Rules 7, 9.)

XXIX. The LIBRARIAN shall have in his custody and charge, the books, museum, instruments and apparatus of the Society; he shall keep an accurate register of the same, and arrange them in a proper manner; and shall make such disposal of them, from time to time, as the Councillors may direct for the benefit of the Fellows. He shall make an annual statement of the business of his department to a Committee, who shall report the same to the Councillors; and he shall carefully record all donations made in his department to the Society. He shall distribute the publications of the Society in such manner as the Councillors shall direct; and he shall perform such other duties as may be assigned him. (See Rules, 4.)

XXX. Any officer of the Society may, for sufficient reasons, resign his office; or may be removed therefrom, by order of the Councillors, for neglect or misconduct; in either of which cases, or on the death of any officer, the Councillors shall supply the office vacated as soon as may be convenient. In case of the temporary absence or disability of an officer, the remaining officers may, if need be, appoint a substitute to serve until the next meeting of the Councillors.

TRIALS FOR OFFENCES.

XXXI. 1. When charges of infraction of the By-Laws shall 33 be duly made against any Fellow of the Society (VII., VIII., 34

IX.), the President thereupon shall select five of the Commis-1 sioners of Trials (XIII.), who shall constitute a Board of Trial 2 for the pending case. He shall appoint a time and place for the 3 meeting of said Board, and shall notify the Commissioners ap-4 pointed, also the Complainants and the Accused Party, of said 5 time and place. 6

2. The said Board of Trial shall be empowered and required 7 to meet as above provided, and three members shall constitute a 8 quorum, though a less number may adjourn the meeting from time to time. If a quorum be present, they shall proceed to organize themselves, and to hear and try the charges aforesaid; and, if convinced that the charges have been substantiated by the Complainants, they shall convict the Accused; or, if otherwise, they 13 shall acquit him; and in case of conviction, shall pass sentence, such as the laws of the Society authorize, which sentence shall take effect from the date of its passage. 16

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3. If, after due notification, the Accused Party shall fail to appear at the time and place of trial, without satisfactory excuse rendered at the time, he shall be considered as admitting the truth of the charges against him, and shall be liable to sentence accordingly.

4. Upon showing to the Councillors, at their next subsequent stated meeting, such cause as shall by them be deemed reasonable therefor, the Accused shall be entitled to a revision of his trial by the Councillors, who may, according to their judgment, confirm or reverse the previous decision, or may order a new trial by another Board of Trial.

5. Legal counsel shall be inadmissible; but members of the Society may be heard as advocates on either side during the trial.

6. The Recording Secretary of the Society shall be Secretary of the Boards of Trial, and shall attend all trials and keep a record of the Commissioners present and of their doings at said trials. He shall enter the said charges preferred, and the result of trial in each case, on the Records of the Society. In case of a conviction, after revision by the Councillors, or, if no appeal, after the time of revision has passed, he shall communicate the sentence to the Society, and move that it be confirmed—which motion shall be decided at once by the Society without debate. Whenever a

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sentence shall be thus confirmed, he shall send a notice thereof to

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the President of each of the District Societies. (See Arts.
XXV., XXVI.)
7. Each Commissioner, the Secretary, and the acting chairman
of the Committee on Ethics and Discipline when prosecuting
officer, shall be entitled to receive from the Treasury three dollars
per diem for the time necessarily spent in Trial, and in attendance
on Trial, with the necessary expenses of travel, as may be decided

by the Board; and each commissioner who shall neglect or refuse to attend the trial for which he has been designated, without offering an excuse which shall be satisfactory to those who do attend the same, shall pay a fine of ten dollars to the Treasurer of the Society. (Digest, §III.)

8. The President of the Society shall fill all vacancies by death or resignation, or by other causes, whether of the Commissioners of the District Societies, in the Boards of Trial, or in the Committee on Ethics and Discipline.

PUBLICATIONS.

XXXII. All Reports on scientific subjects, and all scientific papers, read to the Society or Councillors, shall be referred to the Committee on Publications, with instructions that they refer each respectively to a Committee of Experts, whose names shall not be disclosed, and such as the said Committee of Experts shall designate as worthy of publication, may be published in such a way as the Committee on Publications, with the sanction of the Councillors, may direct; and at the expense of the Society, if there be unappropriated funds in the treasury.

	ALTERATION OF BY-LAWS.	
	XXXIII. All proposals for alteration of the By-Laws shall be	20
1	stated in writing.	27
	No alteration of a By-Law shall take effect until it has receiv-	28
(ed the concurrent vote of the Councillors and the Society; and	29
1	no amendment affecting the import of said alteration shall be en-	30

grafted on it without a like concurrent vote. But the Council-31 lors or Society may at any stated meeting, notice having been

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1 given at a previous stated meeting, or in the call for the meeting 2 itself, adopt Rules and Orders for their better government, or alter,

3 or amend, or annul, the same; but these Rules or Orders shall not

4 be temporarily suspended at any meeting except by an affirma-

5 tive vote of at least three-fourths of the Fellows present.

The Society shall consider, and act on, By-Laws at adjournments of anniversary meetings only, and not on the days of said meetings.

FORM OF SUBSCRIPTION.

The Subscribers agree to comply with the By-Laws of the Massachusetts Medical Society.